

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Martez Deroy Smith,

Civil No. 04-4287 (RHK/FLN)

Petitioner,

v.

**ORDER**

Lisa J.W. Hollingsworth,

Respondent.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated May 6, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED:**

1. The Report and Recommendation (Doc. No. 9) is **ADOPTED**; and
2. Petitioner's Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.

Dated: 5/31/05

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge